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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,267	11/10/2000	Chiaki Igarashi	14059	5236

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/710,267

Applicant(s)

IGARASHI, CHIAKI

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed 2/20/2004 have been fully considered but they are not persuasive.

With respect to independent claims 1 & 8, Applicant has argued limitations that have been addressed by the Examiner in the previous office action. Further more, in response to applicant's argument that the references fail to show certain features of applicant's invention in independent claims 1 & 8, it is noted that the features upon which applicant relies (i.e. Fig. 4, which first, the wireless terminal establishes first connection and sends a callback request to the wireless station (Step 41); Next, the wireless station sends the callback request to the data server with the first connection being kept establishing (Step 42, 43); Then, the second connection is once interrupted (Step 44) and the data server establishes the second connection again and sends call back to the wireless station (Step 45); After that, the wireless links the first connection with the second connection (Step 46); Finally, data communication between the wireless terminal and the data server is performed (Step 47)-are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, the previous rejection is maintained. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjorndahl (U.S. Patent 5,406,616).

With respect to claims 1 & 8, Bjorndahl discloses a method / relay station of establishing callback communication (See Title, Abstract, Fig. 1) between first and second terminals via a relay station (See i.e. A1, B1, BS of Fig. 1, A2, B2, BS of Fig. 2, ), the first terminal sending a callback request for establishing the callback communication to the second terminal, comprising the steps of: establishing first connection between the first terminal and the relay station (See i.e. Co. 7, Lines 54-60) ; sending the callback request

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from the first terminal to the relay station (See i.e. Co. 4, Lines 16-45); establishing second connection between the second terminal and the relay station with the first connection being kept established in response to a request from the second terminal ; and linking the first connection with the second connection (See e.g. a-subscriber, is permanently connected to the so called B-subscriber, communicating with the base station via radio link) in order to establish the callback communication between the first and second terminals (See Co. 1, Lines 3-30 & Entire, Figs. 1-3).

Regarding claim 2, Bjorndahl discloses the relay station comprises wireless and wired communication interfaces; and the wireless communication interface is connected with at least one of the first and second terminals (See Figs 1-2, Co. 3, Lines 16-39).

Regarding claim 3, Bjorndahl discloses the steps of establishing the second connection requested by the relay station; sending the callback request from the relay station to the second terminal; canceling the second connection; and establishing the second connection requested by the second terminal (See Co. 4, Lines 14-64).

Regarding claim 4, Bjorndahl discloses canceling is requested by the relay station (See Co. 4, Lines 14-64).

Regarding claim 5, Bjorndahl discloses canceling is requested by the second terminal (See Co. 4, Lines 14-64).

Regarding claim 6, Bjorndahl discloses the first terminal is connected with the relay station via the wireless communication interface; and the second terminal is connected with the relay station via the public telecommunication network (See A1, B1 of Fig. 1 & A2, B2 of Fig. 2).

Regarding claim 7, Bjorndahl discloses the first terminal is connected with the relay station via the public telecommunication network; and the second terminal is connected with the relay station via the wireless communication interface (See A1, B1 of Fig. 1 & A2, B2 of Fig. 2).

Regarding claim 9, Bjorndahl discloses comprising wireless and wired communication interface, the wireless communication interface being connected with at least one of the first and second terminals (See A1, B1 of Fig. 1 & A2, B2 of Fig. 2).

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Regarding claim 10, Bjorndahl the second interface comprising means for canceling the second connection from sending the callback request to the second terminal to receiving a request for reestablishing the second connection from the second terminal (See Co. 4, Lines 14-64).

Regarding claim 11, Bjorndahl discloses means for canceling cancels the second connection without waiting for a request from the second terminal (See Co. 4, Lines 14-64).

Regarding claim 12, Bjorndahl discloses the means for canceling cancels the second connection in response to a request from the second terminal (See Co. 4, Lines 14-64).

Regarding claim 13, Bjorndahl discloses the first terminal being connected with the relay station via the wireless communication interface, the second terminal being connected with the relay station via the public telecommunication network.

Regarding claim 14, Bjorndahl discloses the first terminal being connected with the relay station via the wireless communication interface, the second terminal being connected with the relay station via the wireless communication interface (See A1, B1 of Fig. 1 & A2, B2 of Fig. 2).

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Otake (U.S. Patent 6,477,364 B1), Discloses Automatic Redialing Method For A Mobile Communication Network And Mobile Communication System.

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

  
**Kamran Afshar**

  
**ERIKA GARY**  
**PATENT EXAMINER**